



Food and
Nutrition
Service

DATE: July 6, 2022

CODE: COVID-19: Child Nutrition Response #113

SUBJECT: Nationwide Waiver of Meal Service Time Restrictions for Summer 2022 Operations – EXTENSION 4

TO: Regional Directors
Special Nutrition Programs
All Regions

Braddock
Metro Center

1320
Braddock
Place
Alexandria
VA 22314

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver of Meal Service Time Restrictions for Summer 2022 Operations – EXTENSION 4
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Date of Issuance:	July 6, 2022
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Summary:	(1) Under this extension, Summer Food Service Program and National School Lunch Program Seamless Summer Option operators in States that elect to be subject to this waiver may serve meals outside of the standard meal times through September 30, 2022. This waiver extends the Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option granted on March 9, 2021, that expired on September 30, 2021. (2) This waiver and flexibilities apply to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option and the Summer Food Service Program during Summer 2022. (3) This document relates to 7 CFR 225.16(c)(1) and (2), 210.10(l), and 220.8(l).
Disclaimer:	The contents of this waiver have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127), as amended, unless otherwise provided.

Pursuant to the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), as amended, and based on the exceptional circumstances of the COVID-19 pandemic, the Food and Nutrition Service (FNS) is extending the nationwide waiver to allow meal service operations outside of the standard meal service times in the Summer Food Service Program (SFSP) and the National School Lunch Program Seamless Summer Option (SSO) through September 30, 2022. This waiver extends for summer 2022 the *Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option –*

EXTENSION 3 – granted on March 9, 2021, that expired on September 30, 2021, through September 30, 2022. This extension applies to the Summer Food Service Program (SFSP) and FNS is extending this flexibility to the National School Lunch Program Seamless Summer Option (SSO).

Section 2202(a) of the FFCRA permits the Secretary of Agriculture to establish a waiver for all States for the purpose of providing meals under the Child Nutrition Programs or to ensure continuity of program operations. Program regulations at 7 CFR 225.16(c)(1) and (2) require minimum elapsed times between meal services and maximum durations of individual meal services in the SFSP. In addition, Program regulations at 7 CFR 210.10(l) and 220.8(l), establish requirements on the timing of lunches and breakfasts. However, FNS recognizes that, due to the broad impacts of COVID-19 and the ongoing public health emergency, State agencies and local Program operators need additional support and flexibility to maintain continuity of Program operations and ensure they can maximize the provision of meals for children.

Therefore, pursuant to the FFCRA authority cited above, FNS extends, for all states, the waiver of those requirements at 7 CFR 225.16(c)(1) and (2) that place Federal limits on the amount of time that must elapse between the beginning of one meal and the beginning of the next, and the duration of a meal service. SFSP sponsors are still required to comply with application requirements at 7 CFR 225.6(c)(2)(i)(B) and (c)(3)(i)(A) to establish meal service times for each site. In addition, FNS also extends the waiver of those requirements at 7 CFR 210.10(l) and 7 CFR 220.8(l) that set meal time parameters for schools. This extension is effective immediately and remains in effect through Sept. 30, 2022. FNS also extends these meal service time flexibilities to SSO operations for the duration of this waiver.

Consistent with section 2202(a)(2) of the FFCRA, this extension applies automatically to all States that elect to use it, without further application. Although this is an extension of a prior waiver, any State agency electing to implement these flexibilities for summer 2022 must notify its respective FNS regional office, which will acknowledge receipt. State agencies that have already received an SFSP waiver allowing meal service operations outside of the standard meal service times through section 12(l) of the NSLA may elect to be covered by this nationwide waiver in place of their 12(l) waivers. FNS will consider any state election to participate under this nationwide waiver as a request to withdraw the Section 12(l) waiver of the requirements at 7 CFR 225.16(c)(1) and (2) and 7 CFR 210.10(l) and 220.8(l). To use these flexibilities, SFSP and SSO operators must contact the State agency for approval and provide the state agency any necessary information to complete the report requirements discussed below. State agencies should inform local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to provide meals to all participants in an accessible manner this summer.

As required by section 2202(d) of the FFCRA, each State that elects to be subject to this waiver must submit a report to the Secretary no later than one year after the date such State received the waiver. The report must include a summary of the use of this extension by the State agency and local Program operators. FNS appreciates the exceptional effort of state agencies and local program operators working to meet the nutritional needs of participants. State agencies should direct questions to the appropriate FNS regional office.

Sincerely,

J. Kevin Maskornick
Director
Community Meals Policy Division